

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEVEN MARCANO,  
Plaintiff,

-v-

COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

20-CV-4230 (JPO)

ORDER ADOPTING REPORT AND  
RECOMMENDATION

J. PAUL OETKEN, District Judge:

On November 16, 2021, Magistrate Judge Robert W. Lehrburger issued a thorough Report and Recommendation (the “Report”). (Dkt. No. 32.) The Report recommended that Plaintiff’s motion for judgment on the pleadings be granted; that Defendant’s cross-motion be denied; that Plaintiff be awarded benefits; and that this case be remanded solely for the calculation of benefits. (Dkt. No. 32.). The Court has reviewed the Report.

No party filed a timely objection to the Report; therefore the Court reviews it for clear error. *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see also Borcsok v. Early*, 299 F. App’x 76, 77 (2d Cir. 2008). Magistrate Judge Lehrburger’s well-reasoned Report presents no such errors and is therefore fully adopted by this Court.

Accordingly, Plaintiff’s motion for judgment on the pleadings is granted. Defendant’s cross-motion is denied. Plaintiff is awarded benefits, and this case is remanded solely for the calculation of benefits. The Clerk of Court is directed to close the motion at Docket Numbers 16 and the cross-motion at Docket Number 29 and to close this case.

SO ORDERED.

Dated: January 26, 2022  
New York, New York



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J. PAUL OETKEN  
United States District Judge